

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

Adelaide Brown,
Plaintiff,

v.

National Construction Rentals and
Walmart Stores Inc.,
Defendants.

Case No. 1:22-cv-05047

NOTICE OF REMOVAL

Defendant National Construction Rentals, Inc. (“NCR”), through its attorneys Anthony Goldner and Ketí Mebuke, for its Notice of Removal of the above-captioned case brought by Plaintiff Adelaide Brown in the Circuit Court of Cook County, Illinois, Case No. 2022-L-003855, to the United States District Court for the Northern District of Illinois, Eastern Division, pursuant to 28 U.S.C. §1332, 28 U.S.C. §1441, and 28 U.S.C. §1446, states as follows:

STATEMENT OF THE CASE

1. On April 27, 2022, Plaintiff filed a Complaint (attached as **Exhibit A**) in the Circuit Court of Cook County, Illinois, bearing the caption *Adelaide Brown v. National Construction Rentals, & Walmart Stores, Inc.*, Case No. 2022-L-003855, incorporated herein by reference.

2. NCR was served on August 19, 2022.

3. Walmart was served more than 30 days prior to the filing of the instant Notice of Removal.

4. Plaintiff alleges she sustained injuries due to a trip and fall on June 19, 2020. Although Ms. Brown’s medical specials are currently unknown, Plaintiff has admitted she is a citizen of Illinois and the damages sought exceed \$75,000. (*See* Walmart Inc.’s Request for

Admission of Facts to Plaintiff served on August 9, 2022, and case docket indicating no response provided to the same within 28 days as required by Illinois Supreme Court Rule 216, attached hereto as **Exhibit B.**)

5. This case is properly removed to this Court pursuant to 28 U.S.C. 1441 because NCR has satisfied the procedural requirements for the removal and this Court has subject matter jurisdiction pursuant to 28 U.S.C. 1332.

DIVERSITY JURISDICTION UNDER 28 U.S.C. 1332
(DIVERSITY OF CITIZENSHIP)

6. Jurisdiction exists in a removal action if the case might have originally been brought in federal court. 28 U.S.C. 1441(a); *Caterpillar, Inc. v. Williams*, 482 U.S. 386, 392 (1987).

7. This case could have originally been brought in the United States District Court pursuant to 28 U.S.C. 1332, which provides:

- (a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—
- (2) citizens of a State and citizens or subjects of a foreign state...

8. An actual case and controversy has arisen between the parties in this civil action and the amount in controversy exceeds the sum or value of \$75,000.

9. Defendant National Construction Rentals, Inc. is incorporated under the laws of California and has its principal place of business in California and, therefore, is a citizen of California.

10. Walmart Stores, Inc. is incorporated under the laws of Delaware and has its principal place of business in Arkansas, and therefore, is a citizen of Delaware and Arkansas.

11. Plaintiff is a resident of Illinois. (Exhibit B)

12. Plaintiff has admitted the amount in controversy in this action exceeds \$75,000.

CONCLUSION

13. This action, based upon the diversity of citizenship of Plaintiff from all defendants properly joined and served, and the amount in controversy having met the threshold, is therefore properly removable pursuant to 28 U.S.C. 1441(a) and (b).

14. Pursuant to 28 U.S.C. §1441(a), removal to the United States District Court for the Northern District of Illinois, Eastern Division is proper because that District embraces the Circuit Court of Cook County of the State of Illinois, the place where this action is currently pending.

15. Pursuant to 28 U.S.C. §1446(a), copies of all process, pleadings, and other filings are attached as Exhibits A and B.

16. Pursuant to 28 U.S.C. §1446(d), Defendant National Construction Rentals, Inc. will promptly file a copy of this Notice of Removal in the Circuit Court of Cook County, State of Illinois, and give written notice of the removal of this action to all parties involved.

17. By removing this action to this Court, Defendant National Construction Rentals, Inc. does not waive any defenses, objections, or motions available to it under state or federal law.

WHEREFORE, pursuant to 28 U.S.C. §1441 and 1446, Defendant National Construction Rentals, Inc. respectfully removes to this Court the action docketed under 2022L003855 in the Circuit Court of Cook County, Illinois, to the United States District Court for the Northern District of Illinois.

NATIONAL CONSTRUCTION RENTALS, INC.

By: /s/ Anthony M. Goldner

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